

HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HP TUNERS, LLC, a Nevada limited
liability company,

Plaintiff,

vs.

KEVIN SYKES-BONNETT,
SYKED ECU TUNING INCORPORATED,
a Washington corporation, and JOHN
MARTINSON,

Defendants.

)
) CASE NO. 3:17-cv-05760-BHS
)
) **MOTION FOR ORDER RESTRICTING**
) **HARASSING AND THREATENING**
) **COMMUNICATIONS BY DEFENDANTS**
)
) **NOTE ON MOTION CALENDAR:**
) **JUNE 15, 2018**
)
)
)

NOW COMES Plaintiff HP Tuners, LLC (“HP Tuners” or “Plaintiff”), by its attorneys,
for its Motion for an Order restricting Defendants’ harassing and threatening communications to
and regarding HP Tuners. In support thereof, HP Tuners states as follows:

1. As detailed in the Complaint, as amended (the “Complaint”), this action arises
from Defendants’ alleged misappropriation of HP Tuners proprietary and confidential
information and Defendants’ wrongful manipulation of HP Tuners’ hardware and software.

1 2. Attached to the Complaint are various examples of communications by
2 Defendants regarding hacking of HP Tuners' software, hardware and Defendants' other
3 misappropriation of HP Tuners' Confidential and Proprietary Information.

4 3. On Wednesday, May 23, 2018, HP Tuners and Defendants, with their respective
5 counsel present and participating, engaged in a telephone conference pursuant to FRE 408
6 regarding potential resolution.

7 4. The call was not productive toward resolving this matter.

8 5. Prior to and since that time, Defendants have engaged in a litany of harassing and
9 threatening communications to and regarding Defendants through direct text messages, social
10 media and FaceBook posts/messages and other online communications.

11 6. Essentially, it appears as if Defendants believe that they can leverage a settlement,
12 dismissal of the action or other resolution by engaging in this barrage of communications and
13 these improper tactics.

14 7. Examples of Defendants' misconduct, threats and harassing tactics and
15 communications are attached hereto as Exhibit A and include the following:

- 16 a. Over a period of a several days, Defendant Kevin Sykes Bonnett has sent at least
17 eight (8) text messages directly to Keith Prociuk, a principal of HP Tuners. Mr.
18 Prociuk has not responded to any of the text messages.
- 19 b. Defendant Kevin Sykes Bonnett has sent various messages and made posts
20 threatening that Defendants will publicly release source code which will
21 substantially impact HP Tuners unless this matter is resolved.
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1 c. Defendant Kevin Sykes Bonnett and Tim Milliken have engaged in
2 communications suggesting that they are conspiring to cause damage and harm to
3 HP Tuners because of the pendency of the litigation.

4 d. Defendant Kevin Sykes Bonnett has posted several messages on FaceBook
5 intimating death, harm or retaliation to HP Tuners.

6 e. Defendant Kevin Sykes Bonnett has threatened to release software “if hpt doesn’t
7 back the fuck off,” meaning he will open source various software if HP Tuners
8 does not drop the suit against him.

9
10 Defendants should be restrained from communicating directly with representatives of HP
11 Tuners and should be prohibited from engaging in harassing and threatening communications to
12 or regarding HP Tuners during the pendency of this matter.

13 **WHEREFORE**, HP Tuners respectfully prays for an order retraining Defendants from:
14 (a) communicating directly with representatives of HP Tuners during the pendency of this
15 matter; (b) engaging in harassing and threatening communications to or regarding HP Tuners
16 during the pendency of this matter; and (c) for such other and further relief as this Court deems
17 necessary and appropriate.

18 Dated: May 31, 2018

Respectfully submitted,

19 s/ Andrew P. Bleiman

20 Andrew P. Bleiman

(admitted *pro hac vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all Counsel of Record.

HEURLIN, POTTER, JAHN, LEATHAM,
HOLTMANN & STOKER, P.S.

s/ Stephen G. Leatham

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